

**JOINT RESOLUTION: Making continuing appropriations
for the fiscal year 1985, and for other purposes (Title XIV)**

[P.L. 98–473; 98 Stat. 2170]

[As Amended Through P.L. 117–103, Enacted March 15, 2022]

【Currency: This publication is a compilation of the text of Public Law 98-473. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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ESTABLISHMENT

Public Law 98–473 provided funding for conducting clean coal technology projects. The following language is found under the heading “Department of Energy, Energy Security Reserve, (Recession)”:

“Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96–126) and subsequently made available to carry out title I, part B of the Energy Security Act (Public Law 96–294) by Public Laws 96–304 and 96–514, \$5,375,000,000 are rescinded: *Provided, That... Provided further, That* of the \$5,375,000,000 rescinded from the Energy Security Reserve, \$750,000,000 shall be deposited and retained in a separate account hereby established in the Treasury of the United States, entitled the ‘Clean Coal Technology Reserve,’ which account and the appropriations therefor, shall be available for the purpose of conducting cost-shared clean coal technology projects for the construction and operation of facilities to demonstrate the feasibility for future commercial application of such technology, including those identified in section 320 of the fiscal year 1985 Department of the Interior and Related Agencies Appropriations Act, as reported by the Senate Committee on Appropriations (H.R. 5973, Senate Report 98–578), without fiscal year limitation, subject to subsequent annual appropriation in the Department of the Interior and Related Agencies Appropriations Act.”

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AUTHORIZATION OF APPROPRIATIONS

SEC. 609Y.¹ [34 U.S.C. 50112] (a) There is authorized to be appropriated \$20,000,000 for each fiscal year ending after September 30, 2022, to provide under this subdivision federal law enforcement assistance in the form of funds.

(b) There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this subdivision Federal law enforcement assistance other than funds.

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CHAPTER XIV—VICTIM COMPENSATION AND ASSISTANCE

SEC. 1401. [34 U.S.C. 10101 note] This chapter may be cited as the “Victims of Crime Act of 1984”.

CRIME VICTIMS FUND

SEC. 1402. [34 U.S.C. 20101] (a) There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this chapter referred to as the “Fund”).

(b) Except as limited by subsection (c), there shall be deposited in the Fund—

(1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 of the United States Code and for the purposes set forth in section 404(a)(7) of such title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18 of the United States Code;

(2) penalty assessments collected under section 3013 of title 18 of the United States Code;

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18 of the United States Code;

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18 of the United States Code;

¹This section is contained in subdivision A of division I of Chapter VI of Public Law 98–473 (98 Stat. 2077). Such division may be cited as the “Justice Assistance Act of 1984” pursuant to section 601 of such Public Law.

(5) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

(A) attaches conditions inconsistent with applicable laws or regulations; or

(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime; and

(6) any funds that would otherwise be deposited in the general fund of the Treasury collected pursuant to—

(A) a deferred prosecution agreement; or

(B) a non-prosecution agreement.

(c) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation. Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.

(d) The Fund shall be available as follows:

[(1) Repealed. Section 109(a)(1) of Pub. L. 105–115, Nov. 26, 1997, 111 Stat. 2457.]

(2)(A) Except as provided in subparagraph (B), the first \$10,000,000 deposited in the Fund shall be available for grants under section 1404A.

(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.

(3)(A) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available only for—

(i)² the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in section 3771 or section 3772, as it relates to direct services, of title 18, United States Code, and section 503 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607)) through victim coordinators, victims' specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

(ii)² a Victim Notification System.

² Margins so in law.

(B)² Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).

(4) Of the remaining amount to be distributed from the Fund in a particular fiscal year—

(A) 47.5 percent shall be available for grants under section 1403;

(B) 47.5 percent shall be available for grants under section 1404(a); and

(C) 5 percent shall be available for grants under section 1404(c).

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts obligated from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.

(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 3 succeeding fiscal years, at the end of which period, any remaining

unobligated sums shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General. Any remaining unobligated sums shall be returned to the Fund.

(f) As used in this section, the term “offenses against the United States” does not include—

(1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);

(2) an offense against the laws of the District of Columbia; and

(3) an offense triable by an Indian tribal court or Court of Indian Offenses.

(g)(1) The Attorney General shall use 15 percent of the funds available under subsection (d)(2) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

(A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

(B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

(3) As used in this subsection, the term “tribe” has the meaning given that term in section 4(b) of the Indian Self-Determination and Education Assistance Act.

CRIME VICTIM COMPENSATION

SEC. 1403. [34 U.S.C. 20102] (a)(1) Except as provided in paragraph (2), the Director shall make an annual grant from the Fund to an eligible crime victim compensation program of 75 percent of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. Except as provided in paragraph (3)³, a grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants as provided in paragraph (1), the Director shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(3)⁴ For the purposes of calculating amounts awarded in the previous fiscal year under this subsection, the Director shall not require eligible crime victim compensation programs to deduct recovery costs or collections from restitution or from subrogation for payment under a civil lawsuit.

³ Effective on October 1, 2022, section 1311 is amended by section 1311 of division W of Public Law 117-103 by striking “paragraph (3)” and inserting “paragraph (4)”.

⁴ The margin is so in law. See amendment made by section 2(b)(1)(D) of Public Law 117-27.

(4) Not more than 5 percent of a grant made under this section may be used for training purposes and the administration of the State crime victim compensation program receiving the grant.

(b) A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities, except if a program determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's wellbeing;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such programs, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;

(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

(A) the crimes would be compensable crimes had they occurred inside that State; and

(B) the places the crimes occurred in are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or⁵ are States not having eligible crime victim compensation programs;

(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;

⁵ Section 233(b) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 122) inserted "are outside of" through "title 18, United States Code), or" before "are States not having". Section 622(b) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56; 115 Stat. 371) attempts to amend subparagraph (B), by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or". The amendment could not be executed because the matter purported to be struck does not appear.

(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and

(9) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require.

[Note: Effective on October 1, 2022, section 1316(b) of division W of Public Law 117–103 provides for amendments to section 1403(b) by striking “and” at the end of paragraph (8), redesignates paragraph (9) as paragraph (10), and inserts after paragraph (8) a new paragraph (9). Upon such date, paragraphs (8)–(10) (as so amended) will read as follows:]

(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense;

(9) beginning not later than 3 years after the date of enactment of this paragraph, such program—

(A) provides a waiver for any application filing deadline imposed by the program for a crime victim if—

(i) the crime victim is otherwise eligible for compensation; and

(ii) the delay in filing the application was a result of a delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense; and

(B) does not require the crime victim to undergo an appeals process to have the application of the crime victim considered for a filing deadline waiver under subparagraph (A); and

(10) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require.

(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the appli-

cant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

(d) As used in this section—

(1) the term “property damage” does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices;

(2) the term “medical expenses” includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses and other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term “compensable crime” means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and includes crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code, driving while intoxicated, and domestic violence;

(4) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other possession or territory of the United States; and

(5) the term “recovery costs” means expenses for personnel directly involved in the recovery efforts to obtain collections from restitution or from subrogation for payment under a civil law suit.

(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, including the program established under title IV of Public Law 107–42, or a federally financed State or local program, would otherwise pay,—

(1) such crime victim compensation program shall not pay that compensation; and

(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.

CRIME VICTIM ASSISTANCE

SEC. 1404. [34 U.S.C. 20103] (a)(1) Subject to the availability of money in the Fund, the Director shall make an annual grant from any portion of the Fund made available by section 1402(d)(2) for the purpose of grants under this subsection, or for the purpose of grants under section 1403 but not used for that purposes, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation with State and local officials and representatives from private orga-

nizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;

(C) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(D) provide such other information and assurance related to the purposes of this section as the Director may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) the base amount to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide the base amount to each State, the funds available shall be distributed equally among the States.

(5)⁷ As used in this subsection, the term “base amount” means—

(A) except as provided in subparagraph (B), \$500,000; and

(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau's share governed by the Compact of Free Association between the United States and the Republic of Palau.

(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).

(7)⁷(A) Each chief executive may waive a matching requirement imposed by the Director, in accordance with subparagraph (B), as a condition for the receipt of funds under any program to provide assistance to victims of crimes authorized under this chapter. The chief executive shall report to the Director the approval of any waiver of the matching requirement.

(B) Each chief executive shall establish and make public, a policy including—

(i) the manner in which an eligible crime victim assistance program can request a match waiver;

(ii) the criteria used to determine eligibility of the match waiver; and

(iii) the process for decision making and notifying the eligible crime victim assistance program of the decision.

(8)⁷ Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a pandemic and ending on the date that

⁷ Indentation so in law.

is one year after the date of the end of such national emergency, each chief executive shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.

(b)(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims;

(E) assists potential recipients in seeking crime victim compensation benefits; and

(F)⁸ does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.

(2) Except as provided in paragraph (3), an eligible crime victim assistance program shall expend sums received under subsection (a) only for providing services to victims of crime.

(3) Not more than 5 percent of sums received under subsection (a) may be used for training purposes and the administration of the State crime victim assistance program receiving such sums.

(c)(1) The Director shall make grants—

(A) for victim services, demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs;

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and

(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

(2) Of the amount available for grants under this subsection—

(A) not less than 50 percent shall be used for grants under paragraphs (1)(A) and (1)(C);

(B) not more than 50 percent shall be used for grants under paragraph (1)(B); and

(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).

(3) The Director shall—

(A) be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued

⁸Margin so in law.

under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97–291);

(B) consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C) coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations;

(D) perform such other functions related to the purposes of this title as the Director deems appropriate; and

(E)⁹ use funds made available to the Director under this subsection—

(i) for fellowships and clinical internships and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process; and

(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.

(4) The Director may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

(d) As used in this section—

(1) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, any other territory or possession of the United States; and

(2) the term “services to victims of crime” includes—

(A) crises intervention services;

(B) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C) assistance in participating in criminal justice proceedings; and

(D) payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are otherwise not reimbursed or paid;

(3) the term “services to victims of Federal crime” means services to victims of crime with respect to Federal crime, and includes—

(A) training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B) preparation, publication, and distribution of informational materials—

(i) setting forth services offered to victims of crime; and

(ii) concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C) salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

⁹Margin so in law.

(4) the term “crises intervention services” means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5) the term “chief executive” includes a person designated by a chief executive to perform the functions of the chief executive under this section.

CHILD ABUSE PREVENTION AND TREATMENT GRANTS

SEC. 1404A. [34 U.S.C. 20104] Amounts made available by section 1402(d)(2) for the purposes of this section shall be obligated and expended by the Secretary of Health and Human Services for grants under section 109¹⁰ of the Child Abuse Prevention and Treatment Act. Any portion of an amount which is not obligated by the Secretary by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award under section 1404(a), except that with respect to funds deposited during fiscal year 1986 and made available for obligation during fiscal year 1987, any unobligated portion of such amount shall remain available for obligation until September 30, 1988.

COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

SEC. 1404B. [34 U.S.C. 20105] (a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—

(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States.

(2) VICTIM DEFINED.—In this subsection, the term “victim”—

(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.

¹⁰So in law. Probably should read “section 107”.

(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and non-governmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.

COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

SEC. 1404C. [34 U.S.C. 20106] (a) DEFINITIONS.—In this section:

(1) INTERNATIONAL TERRORISM.—The term “international terrorism” has the meaning given the term in section 2331 of title 18, United States Code.

(2) NATIONAL OF THE UNITED STATES.—The term “national of the United States” has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) VICTIM.—

(A) IN GENERAL.—The term “victim” means a person who—

(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after October 23, 1983, with respect to which an investigation or civil or criminal prosecution was ongoing after April 24, 1996; and

(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization. The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

- (1) an explanation of the procedures for filing and processing of applications for compensation;
- (2) a description of the procedures and policies instituted to promote public awareness about the program;
- (3) a complete statistical analysis of the victims assisted under the program, including—
 - (A) the number of applications for compensation submitted;
 - (B) the number of applications approved and the amount of each award;
 - (C) the number of applications denied and the reasons for the denial;
 - (D) the average length of time to process an application for compensation; and
 - (E) the number of applications for compensation pending and the estimated future liability of the program; and
- (4) an analysis of future program needs and suggested program improvements.

CRIME VICTIMS LEGAL ASSISTANCE GRANTS.

SEC. 1404D. [34 U.S.C. 20107] (a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of crime victims' rights as provided in law.

(b) PROHIBITION.—Grant amounts under this section may not be used to bring a cause of action for damages.

(c) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the "False Claims Act"), may be used for grants under this section, subject to appropriation.

CRIME VICTIMS NOTIFICATION GRANTS.

SEC. 1404E. [34 U.S.C. 20108] (a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public or private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue in a timely and efficient manner, provided that the jurisdiction has laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code.

(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds made available under section 1402(d), there are authorized to be appropriated to carry out this section—

- (1) \$5,000,000 for fiscal year 2005; and
- (2) \$5,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009.

(d) **FALSE CLAIMS ACT.**—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the “False Claims Act”), may be used for grants under this section, subject to appropriation.

SEC. 1404F. [34 U.S.C. 20109] SEXUAL ASSAULT SURVIVORS’ NOTIFICATION GRANTS.

(a) **IN GENERAL.**—The Attorney General may make grants as provided in section 1404(c)(1)(A) to States to develop and disseminate to entities described in subsection (c)(1) of this section written notice of applicable rights and policies for sexual assault survivors.

(b) **NOTIFICATION OF RIGHTS.**—Each recipient of a grant awarded under subsection (a) shall make its best effort to ensure that each entity described in subsection (c)(1) provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies regarding—

- (1) the right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit;
- (2) the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement;
- (3) the availability of a sexual assault advocate;
- (4) the availability of protective orders and policies related to their enforcement;
- (5) policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits;
- (6) the process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits; and
- (7) the availability of victim compensation and restitution.

(c) **DISSEMINATION OF WRITTEN NOTICE.**—Each recipient of a grant awarded under subsection (a) shall—

- (1) provide the written notice described in subsection (b) to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies, and any other State agency or department reasonably likely to serve sexual assault survivors; and
- (2) make the written notice described in subsection (b) publicly available on the Internet website of the attorney general of the State.

(d) **PROVISION TO PROMOTE COMPLIANCE.**—The Attorney General may provide such technical assistance and guidance as necessary to help recipients meet the requirements of this section.

(e) **INTEGRATION OF SYSTEMS.**—Any system developed and implemented under this section may be integrated with an existing case management system operated by the recipient of the grant if the system meets the requirements listed in this section.

【Sec. 1405 amends title 18, United States Code relating to penalty assessment.】

【Sec. 1406 amends title 18, United States Code relating to special forfeiture of collateral profits of crime.】

ADMINISTRATIVE PROVISIONS

SEC. 1407. [34 U.S.C. 20110] (a) The Director may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Director under this chapter.

(b) Each recipient of sums under this chapter shall keep such records as the Director shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(c) The Director shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the recipient of sums under this chapter that, in the opinion of the Attorney General or any duly authorized representative of the Attorney General¹¹, may be related to the expenditure of funds received under this chapter.

(d) Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this chapter, shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this chapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

(e) No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

(f) If, after reasonable notice and opportunity for a hearing on the record, the Director finds that a State has failed to comply substantially with any provision of this chapter or a rule, regulation, guideline, or procedure issued under this chapter, or an application submitted in accordance with this chapter or the provisions of any other applicable law, the Director shall—

- (1) terminate payments to such State;
- (2) suspend payments to such State until the Director is satisfied that such noncompliance has ended; or
- (3) take such other action as the Director deems appropriate.

¹¹Section 7123(b)(12) of P.L. 100–690 amended this subsection by striking “Attorney General or any duly authorized representative of the Attorney General” and inserting “Director”. The amendment, as executed above to the first occurrence of the phrase to be stricken, probably should have been made to both places such phrase appears.

(g) The Director shall, on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter.

(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.

【PAROLE PROCEEDING AMENDMENTS】

【Sec. 1408 amends title 18, United States Code, and the Victim and Witness Protection Act of 1982.】

EFFECTIVE DATES

SEC. 1409. 【34 U.S.C. 20101 note】 (a) except as provided in subsection (b), this chapter and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution.

(b) Sections 1402, 1403, 1404, and 1407 of this chapter shall take effect on October 1, 1984.

【Sec. 1410 was repealed by P.L. 99-646, 100 Stat. 3605.】

ESTABLISHMENT OF OFFICE FOR VICTIMS OF CRIME

SEC. 1411. 【34 U.S.C. 20111】 (a) There is established within the Department of Justice an Office for Victims of Crime (hereinafter in this chapter referred to as the “Office”).

(b) The Office shall be headed by a Director (referred to in this chapter as the “Director”), who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under this part.

(c) The Director shall have the following duties:

(1) Administering funds made available by section 1402.

(2) Providing funds to eligible States pursuant to sections 1403 and 1404.

(3) Establishing programs in accordance with section 1404(c) on terms and conditions determined by the Director to be consistent with that subsection.

(4) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in activities related to crime victims.

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(5) Such other functions as the Attorney General may delegate.

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